

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL LEAGUE  
PLAYERS' CONCUSSION INJURY  
LITIGATION

No. 2:12-md-02323-AB

MDL No. 2323

THIS DOCUMENT RELATES TO:

**Hon. Anita B. Brody**

ALL ACTIONS

**ORDER**

On July 7, 2014, I preliminarily approved the Class Action Settlement Agreement (ECF No. 6084). Class Plaintiffs have since moved, pursuant to Federal Rule of Civil Procedure 23(e) and Section 20.1 of the Class Action Settlement Agreement, for the entry of Final Order and Judgment (ECF No. 6423). In consideration of this Motion, I have reviewed the briefs, supporting affidavits, and other materials in support of final approval filed by Class Counsel and the NFL Parties (ECF Nos. 6422, 6423, 6466, 6467), the objections to final approval of the Class Action Settlement filed by various objectors and their counsel and the responsive briefs to the motion for final approval of the Class Action Settlement, and the arguments in support of, and in objection to, the Class Action Settlement at the November 19, 2014 Fairness Hearing (*see* ECF No. 6463) and the post-Hearing submissions.

After reviewing these submissions and arguments, I believe that the following changes would enhance the fairness, reasonableness, and adequacy of the proposed Class Action Settlement Agreement:

- The settlement should provide for some Eligible Seasons credit for play in the World League of American Football, the NFL Europe League, and the NFL Europa League;
- The settlement should assure that all living Retired NFL Football Players who timely register for the Settlement, who are eligible to participate in the Baseline Assessment Program, and who timely seek a BAP baseline assessment examination, will receive the examination regardless of any funding limitations in the agreement;
- The Qualifying Diagnosis of Death with CTE should include Retired NFL Football Players who die between preliminary approval and final approval of the Settlement;
- The settlement should provide a hardship provision with respect to the appeal fee for Settlement Class Members;
- The settlement should allow reasonable accommodation for Settlement Class Members who do not possess medical records in support of a Qualifying Diagnosis due to *force majeure* type events.

**AND NOW**, this \_\_2nd\_\_ day of \_\_February\_\_\_\_\_, 2015, it is **ORDERED** that Class Counsel and the NFL Parties file a joint submission on or before February 13, 2015 that addresses these issues, either through amendments to the Class Action Settlement, or through explanations as to why the parties are unwilling to agree to amendments that address these issues.

s/Anita B. Brody

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ANITA B. BRODY, J.  
United States District Judge

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